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ACTION M-00

INFO LOG-00 OASY-00 ANHR-01 TEDE-00 ADS-00 SS-00 /001W
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O 100045Z FEB 95
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 2736
INFO WHITEHOUSE WASHDC PRIORITY
UN SECURITY COUNCIL COLLECTIVE
RWANDA COLLECTIVE

C O N F I D E N T I A L USUN NEW YORK 000514

DEPT FOR USUN/W-SCHEFFER, AF-MOOSE, IO/UNP-SNYDER
AND STANTON; WHITEHOUSE PLS PASS NSC FOR STEINBERG AND RICE

E.O.12356: DECL:OADR
TAGS: PREL, UNSC, PHUM, RW, CG
SUBJECT: RWANDA: SC RESOLUTION ON DETENTION

REF: (A) USUN NY376, (B) SECSTATE 25818, (C) USUN NY410

1. CONFIDENTIAL - ENTIRE TEXT.

2. AT AM SC CONSULTATIONS ON 2/9 US PRESSED QUESTION OF
DETENTION RESOLUTION. AMB GNEHM STRESSED URGENCY OF THE
MATTER AND NOTED PROTECTION PROVIDED BY PHRASE "IN
ACCORDANCE WITH APPLICABLE STANDARDS OF INTERNATIONAL
LAW" AND REPORTING REQUIREMENTS.

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3. MERIMEE (FRANCE) ACKNOWLEDGED SERIOUSNESS OF THE MATTER AND UTILITY OF SC ACTION BUT STRONGLY OPPOSED US DRAFT RES AND URGED PRESIDENTIAL STATEMENT. ARGUMENTS EMPLOYED BY MERIMEE INCLUDED:

(A) FRANCE LIKE MANY OTHER STATES HAS NO AUTHORITY TO DETAIN PERSONS REFERRED TO IN OP PARA 1 AND IS NOT WILLING TO CALL ON OTHERS TO DO WHAT GOF CANNOT LEGALLY DO. FRANCE WILL ADOPT NATIONAL LEGISLATION TO MEET ITS OBLIGATIONS TO RWANDA TRIBUNAL ONCE TRIBUNAL ADOPTS ITS RULES OF PROCEDURE.

(B) SO FAR AS VIOLENCE IN CAMPS IS CONCERNED A PRESIDENTIAL STATEMENT URGING STATES TO MAKE USE OF THEIR SOVEREIGN PREROGATIVES WOULD SUFFICE AND MORE WOULD BE INAPPROPRIATE. FRANCE ALSO EXPRESSED DOUBT ACTION SHOULD BE UNDER CHAPTER VII.

4. ORDZHONIKIDZE (RUSSIA) SAID RUSSIA SHARED FRENCH CONCERNS AND IN ADDITION HAD SERIOUS HUMAN RIGHTS CONCERNS ABOUT POTENTIALLY LENGTHY DETENTIONS WITHOUT

5. ITALY AND GERMANY SHARED MANY OF FRENCH CONCERNS AND INDICATED PREFERENCE FOR PRESIDENTIAL STATEMENT AS DID INDONESIA AND HONDURAS.

6. UK STRESSED IMPORTANCE OF THE PROBLEM AND SUGGESTED US DRAFT RES MIGHT BE MORE WIDELY ACCEPTABLE IF OPERATIVE PARA 1 WERE REDRAFTED TO ELIMINATE LEGAL PROBLEMS. COMMENT: UK HAS IN MIND ADDING SOMETHING LIKE
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"IN ACCORDANCE WITH NATIONAL PROCEDURES." END COMMENT.

7. CARDENAS (ARGENTINA) SUPPORTED IDEA OF RESOLUTION AS USEFUL RESPONSE TO AN URGENT PROBLEM. NIGERIA SAID IT COULD LIVE WITH DRAFT RES IF THERE WERE SOME CHANGES. WANG (CHINA) SAID HE NEEDED TIME TO STUDY THE MATTER, WOULD BE INTERESTED IN RWANDAN VIEWS. HE SAID HE DOUBTED CHINA COULD LIVE WITH REFERENCE TO CHAPTER VII.

8. BAKURAMUTSA (RWANDA) SUPPORTED DRAFT RES AND SAID IT

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COULD BE USEFUL, ALTHOUGH HE WAS NOT AS FORCEFUL IN HIS INTERVENTION AS HE WOULD HAVE NEEDED TO BE TO OVERRIDE THE RESERVATIONS WHICH HAD ALREADY BEEN EXPRESSED.

9. SC PRESIDENT LEGWAILLA SUGGESTED WORKING GROUP MEET 4:30 PM 2/9 TO TRY AND RESOLVE THE DIFFERENCES. UE TO OTHER MEETINGS WORKING GROUP WILL MEET PM FRIDAY, FEBRUARY 10.

10. COMMENT: STRONG EUROPEAN NEGATIVE POSITIONS COMBINED WITH WEAKNESS OF AFRICAN SUPPORT AND LOSS OF CREDIBILITY RWANDA HAS SUFFERED DUE TO TROUBLE MAKING OVER UN RADIO AND A DRAFT STATEMENT ON SECURITY IN THE REFUGEE CAMPS MAKE PROSPECTS FOR RESOLUTION DIM. DEL SUGGESTS WE BE AUTHORIZED TO FALL BACK TO PRESIDENTIAL STATEMENT PROVIDED WE CAN OBTAIN SOME IMPROVEMENTS OVER FRENCH DRAFT.
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